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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,316	12/10/2001	Bernhard A.M. Deutsch	SI01-019	4752
21495	7590	01/15/2004	EXAMINER	
CORNING CABLE SYSTEMS LLC			PRASAD, CHANDRIKA	
P O BOX 489			ART UNIT	PAPER NUMBER
HICKORY, NC 28603			2839	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,316

Applicant(s)

DEUTSCH ET AL.

Examiner

Chandrika Prasad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application since a specific reference was included in the first sentence of the specification or in an Application Data Sheet 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments

1. The reply filed 11/05/03 consists of amendments to claims 1, 6-9, 14-16, English translation of the priority document and remarks related to rejection of claims. The claims are not allowable as explained below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 10, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mukasa.

Mukasa (Figures 1-7) shows an optical waveguide cable for transmitting optical signals according to wavelength division multiplex technology having a first section with fiber 6a of the first type, a section with fibers 6b of the second type and a third section with fibers of the third type wherein the mode field diameter and dispersion characteristics of the fibers of the first type is greater than those of the fibers of the second and third types, the mode field diameter and dispersion characteristics of the fibers of the second type is greater than that of the fibers of the third type. The cable is connected to a transmitter by a pigtail section. The second section is arranged between

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the first and third sections and the mode field diameter of the first type is greater than 8 μm at 1550 nm. A transition piece is used in between the different sections of the fibers.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukasa.

Mukasa shows all the features of these claims as described in Paragraph 3 above except the size and dispersion characteristics of the various sections. The instant invention does not provide any reasons or specific problems to be solved by having a specific size or dispersion characteristics. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the various sections of a specific size or characteristics because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

6. Claims 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukasa.

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Mukasa shows all the features of these claims as described in Paragraph 3 above except the third section being the same as the first section and the first and the second section being of the same type and the fibers being ribbons or bundles . It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the third section and/or the second section same as the first section because this would require a mere duplication of an essential part, which involves only routine skill in the art. Furthermore, the instant invention does not provide any reasons or specific problems to be solved by having a ribbon cable or a bundle cable. Such cables are well known and widely used in optical fiber connections. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to use such widely used cables in order to provide a higher capacity of signal transmission as is well known in the art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

8. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

9. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Hand-delivered responses should be brought to:

**Crystal Plaza 4, Fourth Floor (receptionist)
2201 South Clark Place, Arlington, Virginia**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (703) 308-0977. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at (703) 308-2710. The fax number for this Group is (703) 872-9306. Any inquiry of a general nature should be directed to the Group receptionist at (703) 308-1782.



**Chandrika Prasad
Primary Examiner
January 9, 2004**